

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

17-cr-573 (JGK)

- against -

ORDER

ERIC BLAND,

Defendant.

JOHN G. KOELTL, District Judge:

The defendant has moved for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10. See Def.'s Mot. at 1, ECF No. 44. Pursuant to Amendment 821 to the Sentencing Guidelines, the defendant's criminal history should not have been increased by two points as a result of committing the offense of conviction while under a prior criminal justice sentence. Therefore, the defendant's criminal history is I, and not II, and the defendant's Guideline Sentencing Range is reduced from 188 to 235 months' imprisonment to 180 to 210 months' imprisonment (as a result of the mandatory minimum sentence that fixes the lower end of the Guideline range). See Suppl. Presentence Report at 3, ECF No. 43.

Judge Batts, who originally sentenced the defendant, determined that a sentence in the middle of the Guideline Sentencing Range was the most appropriate sentence in this case and sentenced the defendant principally to 216 months'

imprisonment to be followed by 7 years of supervised release.

See Sentencing Tr. at 13, ECF No. 40.

After having reviewed the parties' sentencing submissions, the Court concludes that a sentence in the middle of the new Guideline Sentencing Range is sufficient but no greater than necessary to meet the goals of 18 U.S.C. § 3553(a)(2). The underlying offense was horrific, and the defendant subjected numerous minor victims to various forms of sexual abuse. A significant sentence is necessary to recognize the seriousness of the offense, the need for deterrence and protection of the public. On the other hand, the defendant appears to have responded well to imprisonment and has a fairly good disciplinary record while imprisoned. Therefore, the Court will sentence the defendant to 196 months' imprisonment to be followed by 7 years of supervised release. All of the other conditions of the defendant's sentence remain the same.

SO ORDERED.

Dated: May 8, 2024
New York, New York



John G. Koeltl
United States District Judge